IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

IN RE:

THOMAS SALVADOR MARTINO,

Case No. 8:14-BK-13452
Chapter 7

Debtor.
________________________________/

MOTION FOR RULE 2004 EXAMINATION OF THE DEBTOR

Savannah Capital, LLC ("Savannah"), a creditor and party in interest in this Chapter 7 bankruptcy case (the "Liquidation"), by and through its undersigned counsel, and pursuant to Bankruptcy Rule of Civil Procedure 2004 and other applicable law, requests that this Court enter an order directing the oral examination under oath of Thomas Salvador Martino (the "Debtor"), for all purposes permitted under that rule. In support thereof, Savannah states as follows:

A. BACKGROUND ALLEGATIONS

1. Savannah is a creditor of the Debtor, pursuant to its business relationship with the Debtor in connection with their interests in DeVille Corp. ("DeVille"). The Debtor is the president of DeVille.

2. Prior to initiation of the Liquidation, Savannah initiated an action against DeVille in the Thirteenth Judicial Circuit in and for Hillsborough County, Florida (the "State Court"), Case No. 2014-CA-08669 (the "Records Action"), seeking (a) determination that Savannah has a fifty percent (50%) equity interest in DeVille and (b) access to records under Florida's limited liability company statutory scheme.

3. On November 14, 2014, the Debtor initiated this Liquidation by filing a voluntary petition for protection from creditors under Chapter 7 of the Bankruptcy Code, thereby initiating this Liquidation.

4. On December 10, 2014, the Debtor filed his schedules and statement of financial affairs (collectively, the “Schedules”) [Doc. 9]. The Debtor scheduled Savannah as both a secured and unsecured creditor on the Schedules, however, Savannah did not receive notice of the Debtor’s Liquidation until service of the Schedules, after the initial 341 Meeting of Creditors.

5. The 341 Meeting of Creditors for the Debtor has been continued or rescheduled twice, and is currently set for February 11, 2015.

B. BASIS FOR SEEKING 2004 EXAMINATION

6. Savannah wishes to investigate the Debtor’s financial and business affairs, including but not limited to the assets, liabilities, and financial condition of the Debtor, any additional claims against or held by the Debtor, as well as Savannah’s current claims against the Debtor.

7. The relief requested in this Motion is authorized pursuant to Federal Rule of Bankruptcy Procedure 2004, which provides that any party in interest may move the court for an order directing any individual to submit to examination by that party in interest and compelling the production of documents by that individual.

WHEREFORE, Savannah respectfully requests that this Court enter an order pursuant to Bankruptcy Rule of Civil Procedure 2004, granting the Motion, ordering the oral examination under oath of the Debtor (the “Debtor Examination”) to take place commencing at a time agreed upon by counsel for the parties, but no later than thirty (30) days from the entry of the order, to produce documents as requested, and to provide sworn testimony at the Debtor Examination until such time as the Debtor Examination has been completed or for such other relief as may be appropriate in the circumstances.

/s/ Allison C. Doucette
JOHN A. ANTHONY, ESQUIRE
Florida Bar Number: 0731013
janthony@anthonyandpartners.com
ALLISON C. DOUCETTE, ESQUIRE
Florida Bar Number: 0085577
adoucette@anthonyandpartners.com
Anthony & Partners, LLC
201 N. Franklin Street, Suite 2800
Tampa, Florida 33602
Telephone: 813/273-5616
Attorneys for Savannah Capital, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic means on the 9th day of February, 2014, and/or by U.S. mail on this 10th day of February, to the following:

David W. Steen, Esquire
David W. Steen, P.A.
602 S. Boulevard
Tampa, Florida 33606
dwsteen@dsteenpa.com

Douglas N. Menchise, Esquire
2963 Gulf to Bay Boulevard, Suite 300
Clearwater, Florida 33759
dmenchise@verizon.net

A. Christopher Kasten, II, Esquire
Bush Ross, P.A.
Post Office Box 3913
Tampa, Florida 33601
ckasten@bushross.com

United States Trustee – TPA 7/13
Timberlake Annex, Suite 1200
501 E. Polk Street
Tampa, Florida 33602

All Parties in Interest on Creditor Mailing Matrix

/s/ Allison C. Doucette
ATTORNEY